



**Judicial
Watch**TM

*Because no one
is above the law!*

October 25, 2001

VIA CERTIFIED MAIL AND FAX

Post Master	Chief Postal Inspector	FOIA/PA Officer
900 Brentwood Road	475 L' Enfant Plaza S.W.,	475 L' Enfant Plaza S.W.,
Washington, DC 20090	RM 3100	RM 8800
	Washington, DC 20260-2100	Washington, DC 20260-5243

Re: Freedom of Information Act Request.

Dear Post Master:

Pursuant to the Freedom of Information Act (hereinafter, "FOIA"), 5 U.S.C. 552, and its regulations, we hereby request from the The United States Postal Service, (hereinafter, "USPS") all correspondence, memoranda, documents, reports, records, statements, audits, lists of names, applications, diskettes, letters, expense logs and receipts, calendar or diary logs, facsimile logs, telephone records, call sheets, tape recordings, video recordings, notes, examinations, opinions, folders, files, books, manuals, pamphlets, forms, drawings, charts, photographs, electronic mail, and other documents and things, that refer or relate to the following in any way:

1. The process for identification of postal workers infected and/or exposed to anthrax.
2. The decision to conduct tests at the Brentwood USPS facility.
3. The decision to quarantine portions of the Brentwood USPS facility.
4. The decision to test other USPS facilities for anthrax contamination.

FILED

JUN 6 2002

Exhibit 1

5. The decision to suspend mail delivery to zip codes 20007, 20005, 20004.

6. The decision to keep the Brentwood USPS facility open.

7. The decision to test Brentwood USPS facility employees for anthrax.

Thank you for your expected cooperation in responding to our request in a timely manner, which should be within 10 working days, as required under 5 U.S.C. § 552 (a)(6)(E)(ii)(I), because time is of the essence. The time frame for this request is from September, 11, 2001 to the present.

Pursuant to the FOIA, if any portions of the requested documents are claimed to be privileged, those portions which are not claimed to be privileged should be provided to the undersigned. This should be done prior to the conclusion of the statutory 20-day period for response. In addition, under the FOIA there is an absolute requirement to produce those segregable portions of documents which are not claimed to be privileged, as well as a list ("Vaughn Index") that indicates by date, author, general subject matter, and claims of privilege(s) those documents, or portions thereof, which have been withheld or not provided. Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir 1973), cert. denied, 415 U.S. 977 (1974); Iglesias v. Central Intelligence Agency, 525 F. Supp. 547 (D.C. 1981); see generally LaRocca v. State Farm Mut. Auto. Ins. Co., 47 F.R.D. 278 (W.D. Pa. 1985).

We note that President Clinton instructed agencies in October, 1993, to ensure compliance with both the spirit as well as the letter of the Act. *See* President Clinton's FOIA Memorandum, U.S. Department of Justice, FOIA Update, Summer/Fall 1993, at 3. In addition, Attorney General Ashcroft issued a FOIA Memorandum on October, 12, 1993, which *inter alia* states "the Department of Justice and this Administration are committed to full compliance with the Freedom of Information Act... It is only through a well-informed citizenry that the leaders of our nation remain accountable to the governed and the American people can be assured that neither fraud nor government waste is concealed." and orders "a presumption of disclosure." *See*

Attorney General Ashcroft's FOIA Memorandum, U.S. Department of Justice, FOIA Update, Fall 2000, at p. 1.

Judicial Watch is entitled to a public interest fee waiver for this request. At 5 U.S.C. § 552 (a) (4) (A) (iii), the FOIA sets forth a two prong test to determine whether a fee waiver is appropriate. First, the disclosure must be in the public interest by contributing significantly to the public's understanding of the operations of the government. *Schrecker v. Department of Justice*, 970 F. Supp. 49, 50 (D.D.C. 1997); *Fitzgibbon v. Agency for International Development*, 724 F. Supp. 1048, 1050 (D.D.C. 1989); *Larson v. Central Intelligence Agency*, 843 F.2d 1481, 1483 (D.C. Cir. 1988). Second, the disclosure must not be primarily in the commercial interest of the requester. *Schrecker*, 970 F. Supp. at 50; *Fitzgibbon*, 724 F.2d at 1050; *Larson*, 843 F.2d at 483.

Judicial Watch is a 501 (c) (3) not-for-profit public interest organization. One of its purposes is to provide the public with information which exposes government activities that are contrary to the law. Judicial Watch is, in effect, an educational foundation, as well as a law firm, which uses several mechanisms for the dissemination of the information it acquires, and operates to ensure that this information will be made available to the public on a daily basis:

- Judicial Watch, as a press entity itself¹, produces several press releases each week.

- The *Judicial Watch Newsletter* has a monthly circulation of over 300,000 copies nationwide.

- Judicial Watch maintains a website on which people can view copies of, among other things, FOIA documents, press releases, responsive documents, deposition transcripts and court opinions. This website is viewed by over 20,000 people per

¹ See Memorandum and Order, *Judicial Watch, Inc. v. U.S. Department of Justice*, Civil Action No. 00-1396 (JR), November 16, 2000.

day on average, and on a few occasions, had logged up to 1,000,000 visitors in a single day.

Over 60,000 people subscribe to our "Infonet" listserve for daily updates on our lawsuits, FOIA requests, investigations and public education programs.

Judicial Watch's Chairman has been invited to testify before Congressional committees as an expert witness on legal matters, including, but not limited to the Privacy Act and the Freedom of Information Act.

Judicial Watch's Chairman and other employees frequently appear on nationally broadcast radio and television programs to provide information, analysis and commentary concerning government corruption and other legal issues.

Judicial Watch has been credited by Courts, the Congress and various other media outlets on several occasions for uncovering information and documents concerning government corruption, illegal and/or inappropriate activities, and documented instances of government attempts to "stonewall" requests for information and accountability in the public interest.

Judicial Watch is involved in the production and broadcast of a monthly one hour news and information television program, *Public Disclosure*, fashioned after the long running news broadcast *60 Minutes*. *Public Disclosure* is syndicated across the country.

Judicial Watch produces its own twice-weekly television show and weekly radio program, both entitled *The Judicial Watch Report*, which air nationwide through syndication on cable television and on 36 radio stations, as well as the Internet. Judicial Watch disseminates information it obtains through these mediums as

well.

Judicial Watch hosts and sponsors conferences and rallies as public education forums for the dissemination of the information it acquires. For example, Judicial Watch hosted an Ethics in Government 2000 Conference at the Washington Hilton on October 20-21 2000 and an Ethics in Government 2001 International Conference, "Fighting Corruption, Fostering Freedom," on October 5- 6, 2001 in Miami, Florida.

On October 29, 2001 Judicial Watch launches a daily radio program with USA Radio Network, hosted by broadcast veterans Russ Verney and Jane Chastain beginning with 800 stations. The goal is to give the public an update on our day-to-day efforts and goals, and to get information in the hands of the American people.

In short, Judicial Watch's efforts to expose government corruption make news on almost a daily basis, and it functions, in part, as a member of the media.

Indeed, there is an unequivocal public interest served by revealing the aforementioned documents. The American people should be made aware of, among other things, reports, investigations, decisions, waivers and findings of fact concerning the anthrax crisis. This information is not merely intended to satisfy the curiosity of a few. To be sure, the public is always well served when it knows how government activities, particularly matters touching on legal and ethical questions, have been conducted. This request is based, in part, on news articles by Neely Tucker and Avram Goldstein, "Anthrax Threat Takes A Wider Scope, New Cases Emerge: Some Mail Halted," *Washington Post*, October 24, 2001; copies of which are enclosed with this request.²

² Neely Tucker and Avram Goldstein. "Anthrax Threat Takes A Wider Scope, New Cases Emerge: Some Mail Halted," *Washington Post*, October 24, 2001.

Thus, we are convinced that the information requested will be meaningfully informative in increasing public understanding of the anthrax crisis. Hence, we submit this request.

Clearly, information that exposes government activity that is contrary to the rule of law will contribute significantly to the public's understanding of the operations and activities of government. In fact, according to the *Office of Management and Budget, Freedom of Information Reform Act of 1986 – Uniform Freedom of Information Act Fee Schedule Guidelines*, § 67(g), this is one of the categories of activity which courts have characterized as in the public interest.

Congress has spoken clearly on this subject by amending FOIA so that it can “be liberally construed in favor of waivers for noncommercial requesters.” *McClellan Ecological Seepage Situation*, at 1284 (quoting 132 Cong. Rec. S14298 (Sept.30, 1986)). The main purpose of the amendment, according to Senator Leahy, was to prevent gamesmanship on the part of government agencies i.e., to “remove roadblocks and technicalities which have been used by various Federal agencies to deny waivers or reductions of fees under FOIA.” *Id.* (quoting 132 Cong. Rec. S16496, October 15, 1986).

We request expeditious handling and immediate release of the requested information in the public interest.

Information is urgently needed for dissemination so that the public may be informed about actual or alleged Federal Government and USPS activity.

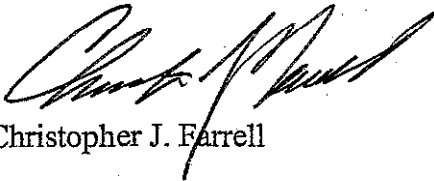
In addition, we find a compelling need for the requested information given that a significant part of our operation involves disseminating information as a legitimate news source. Thus, we assert that the request concerns matters of widespread and exceptional media interests in which there exist possible questions about the government's integrity (to include senior

government officials) which effect public confidence.

Release of the information will promote confidence in our Constitutional Republic, and contribute to furthering the integrity of the American national government by deterring and/or sanctioning corrupt activities. The failure to do so will likely result in the further compromise of important interests of the American people.

Sincerely,

JUDICIAL WATCH, INC.

A handwritten signature in black ink, appearing to read "Chris Farrell", written over the printed name.

Christopher J. Farrell

1 of 2 DOCUMENTS

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The Washington Post

October 24, 2001, Wednesday, Final Edition

SECTION: A SECTION; Pg. A01

LENGTH: 1918 words

HEADLINE: Anthrax Threat Takes a Wider Scope; New Cases Emerge; Some Mail Halted; White House Facility Tainted; Postal Worker Infected in N.J.

BYLINE: Neely Tucker and Avram Goldstein, Washington Post Staff Writers

BODY:

The anthrax threat moving through the nation's postal system escalated yesterday as the number of people monitored for infection increased, spores of the bacterium were discovered on mail-sorting equipment that handles packages for the White House and several federal agencies abruptly discontinued mail delivery.

In a day of rapidly unfolding events, government officials again sought to reassure the nation that the mail remains safe, even as they confronted more evidence that the postal system has been effectively used to spread anthrax.

A postal worker in New Jersey was diagnosed with pulmonary anthrax, just one day after two D.C. postal workers died of anthrax and two others were diagnosed as being infected, offering a fatal trail of evidence that a stamped envelope may have been used as a lethal weapon.

"Some 200 billion pieces of mail are sent every year, and until last month, not a single time had anthrax ever been mailed," said Ari Fleischer, the White House press secretary. "So what's happened now is, frankly, just as you're seeing in the military a mobilization in Afghanistan, you're also seeing a nation at home mobilize."

In Washington, now host to the most serious outbreak, the main postal facility is shuttered and considered a crime scene, all of the city's 36 neighborhood post offices are being tested for anthrax spores, incoming and outgoing mail at the Brentwood Road processing facility has been quarantined, and delivery has been disrupted in several Zip codes. City officials also moved to prepare a system to deliver antibiotics to wide swaths of the population if contamination is found to be widespread.

Taken together, the steps indicate health officials are considering that the perimeter of the anthrax threat may be far wider than previously believed. The focal point remains Brentwood, which processes all incoming and outgoing mail for the nation's capital, averaging a million pieces a day.

The Postal Service last week hired a company to test the area that handles government mail and processed the one letter known to be contaminated. Results show that 14 of 29 spots have tested positive for anthrax spores. Federal health officials are now testing the entire facility, including the ventilation system.

Three people have died of anthrax in the weeks since the Sept. 11 terrorist attacks on New York and the Pentagon, and more than 50 have tested positive in nasal swab tests.

The State Department issued a worldwide caution to Americans abroad yesterday, adding a warning that it cannot exclude the risk of anthrax attacks. "Reports of and confirmed cases of exposure to anthrax have caused an increase in anxiety over possible attacks using chemical and biological agents," the warning read.

Domestically, medical tests yesterday confirmed that inhalation anthrax caused the deaths of two Brentwood postal workers, and a New Jersey postal worker was confirmed as having contracted the same illness. Their two facilities are known to have handled contaminated letters, including one addressed to NBC's Tom Brokaw in New York and another to Senate Majority Leader Thomas A. Daschle (D-S.D.).

D.C. Chief Medical Examiner Jonathan L. Arden concluded yesterday that postal worker Thomas L. Morris Jr., 55, died after the infection spread through his lungs, the chest cavity surrounding his heart and his lymph nodes.

Two other Brentwood workers with anthrax infections are hospitalized in serious but stable condition at Inova Fairfax Hospital. Susan Matcha, an infectious disease specialist and the attending physician for both men, said an aggressive treatment of three antibiotics has kept them stable and breathing without help from ventilators.

Both men have complained of shortness of breath since they were admitted to the hospital, but Matcha said they are able to talk. The conventional medical wisdom had been that inhalational anthrax is almost always fatal, but she said doctors hope to change that.

"It's impossible to make a prognosis because there's so little medical literature to guide us," Matcha said yesterday. "But we are guardedly optimistic."

D.C. Health Department Director Ivan C.A. Walks said at midday that 16 other Brentwood workers scattered across the Washington-Baltimore area are being observed by physicians because they have syndromes that could be precursors to inhalational anthrax. Four of the cases are considered "suspicious," and the patients have been hospitalized, he said. The 12 other cases, including some workers who have not been admitted to a hospital, have been labeled "very low suspicion."

Since anthrax was named as the cause of death for a photo editor at the Sun tabloid in Boca Raton, Fla., anthrax spores have been discovered in the New York offices of NBC, CBS, ABC, the New York Post and the New Jersey mail facility that handled letters sent to those media outlets.

On Capitol Hill, anthrax spores have been found in the Hart building, the mailroom of the Dirksen Senate building, the mailroom at the Ford building, and at an off-site mail-screening center run by the U.S. Capitol Police. Spores also have been detected at the Brentwood processing facility.

An environmental sweep of the Capitol building completed yesterday showed no traces of anthrax, said Lt. Dan Nichols, spokesman for the Capitol Police.

But of all the infected sites, it is Brentwood that is by far the most troubling to investigators.

Rima Khabbaz, deputy director of the viral disease branch of the federal Centers for Disease Control and Prevention, said scientists were confounded by

the shifting understanding of how anthrax works. Before the Brentwood cases of inhalation anthrax, CDC scientists believed none of the other cases suggested that infection was a risk to mail handlers. Earlier evaluations, such as at the P and Half streets SE mail-screening center for the Capitol, were "completely reassuring," Khabbaz said. "The process to define risk is based on environmental sampling."

"The Brentwood situation," she said, "has led us to reevaluate the science."

Greg Poland, a professor of medicine and infectious diseases at the Mayo Clinic in Rochester, Minn., said that although "no envelope is airtight" and any powder inside could be squeezed out in processing, the probability of a significant number of anthrax spores escaping is low.

But given that enough spores were present at Brentwood to infect four workers with the most serious kind of the disease, Poland said spores could conceivably also have passed from terrorist-sent mail to other mail moving through the facility, winding up in the homes and businesses of Washington. "The question is: Is it enough to cause a problem? Who knows?" Poland said.

So far, he said, no anthrax cases have been caused by what he called "collateral mail."

"We have to go with the observed risk, and the observed risk among the end recipients is so far zero," Poland said.

How the two workers who died came down with the disease remains unknown. CDC officials said that they were unsure whether the letter to Daschle caused the contamination at Brentwood or whether spores were released from other letters.

Deborah Yackley, a postal spokeswoman, said Morris worked in an area at Brentwood that handles only government mail. She could not say where in the facility the other deceased worker, Joseph P. Curseen, 47, was assigned.

One of the other infected Brentwood employees, Leroy Richmond of Stafford, works in an express mail sorting area, according to co-workers. He sorts mail on a conveyor belt and places it in bags depending on the address.

Every day, he and several other postal workers travel to an air mail center near Baltimore-Washington International Airport where they sort express mail headed for Washington.

Richmond then returns to the Brentwood Road facility and sorts express mail arriving from other locations, including Reagan National Airport and Dulles International Airport, co-workers said.

The express mail area is enclosed, and other workers in that area report that neither they nor their colleagues have symptoms of anthrax -- leading them to wonder whether Richmond was exposed in a different part of the facility. Workers say they often are pulled out of the express mail area and assigned to other parts of the post office.

The uncertainty over how the disease is spreading is being reflected in the region's emergency rooms, doctors said yesterday.

After one postal worker went to a hospital over the weekend and was turned away because the staff thought he had the flu, doctors have switched to a very broad definition to decide who should be treated, they said yesterday.

Anyone with flu-like symptoms -- an elevated white blood count, coughs, body aches, respiratory problems -- would be given antibiotics if they work in a high-risk profession or had "credible" exposure to anthrax bacteria. That

includes people who work at postal facilities, general mailrooms, media organizations, government offices or Internet companies.

Fears that more poisoned letters may be proliferating was evidenced on several fronts yesterday.

At the White House, Fleischer said a concentration of anthrax spores was detected yesterday afternoon on a piece of mail equipment called a "slitter" at a Secret Service-controlled facility on property shared by the Anacostia Naval Station and Bolling Air Force Base, miles from the Oval Office. Fleischer said no tainted letter has been found at the facility, which processes 40,000 letters a week.

Meanwhile, a sign of the times could be found at the Petworth Post Office at Ninth Street NW, handwritten in black marker on a white piece of paper: "Closed to be tested."

As the day progressed, postal officials chartered buses to continue taking more than 2,000 postal employees to D.C. General Hospital for doses of antibiotics. The treated including D.C. Mayor Anthony A. Williams (D) and his mother, who had visited the sorting rooms of the Brookland and Congress Heights post offices Friday.

Several workers said they were particularly incensed that Daschle's office, and all of Capitol Hill, was shut down after anthrax spores were detected in his office. The facilities that processed the letter, in New Jersey and the District, were kept open.

"Treatment should have started first for those who were handling the mail," said James Coe, a distribution clerk from the post office at 2121 Ward Pl. NW. "Where are the deaths? People handling the mail. Nobody's died in Congress yet."

Among the Brentwood employees in area hospitals with suspicious symptoms is Charles Bragg, 36, of Indian Head, a maintenance worker who cleans various parts of the building. Initial tests indicate that he does not have anthrax, but he said doctors are keeping him at Washington Hospital Center as they await blood test results.

"I had all the symptoms -- runny nose, coughing, headache," said Bragg, who went to the emergency room Monday. "They said since I have the flu-like symptoms, they just decided to keep me in here and put me on antibiotics. . . . Until they give me the final word [about test results], yes, I'm worried."

Staff writers Mike Allen, Justin Blum, Helen Dewar, Manny Fernandez, Carol D. Leonnig, Sylvia Moreno, Matthew Mosk, Michael E. Ruane, Leef Smith, Steve Twomey and Debbi Wilgoren and Metro staff researcher Bobbye Pratt contributed to this report.

LOAD-DATE: October 24, 2001



January 22, 2002

Mr. Mario Calabrese
Judicial Watch, Inc.
501 School Street, SW, Suite 725
Washington, DC 20024

Dear Mr. Calabrese:

This responds to your Freedom of Information Act request faxed to us on December 12, 2001, for information dealing with the anthrax crisis. We did not receive your original letter of October 25, 2001 prior to your December 12th fax since all mail to ZIP Code 20260 is being sanitized before delivery. There were long delays initially until the irradiation processes could be put into place. You have asked for supporting documentation for items 1 – 7. We will attempt to identify and briefly explain the documents responsive to each:

1. The process for identification of postal workers infected and/or exposed to anthrax.

The Postal Service did not identify specific employees, we followed existing procedures upon notification from the CDC and DC Health Department of potentially exposed and infected workers. Attachment A is a notification to field offices that includes a Mandatory Safety Talk on Anthrax, Anthrax Talking Points, and the existing Management Instruction on Emergency Response to Mail Allegedly Containing Anthrax, which was issued in October 1999.

2. The decision to conduct tests at the Brentwood USPS facility.

The decision to start the sampling was oral and notes do not exist. The contractor was instructed to do the testing by Safety Performance Management using the existing Environmental Management Program contract. Postal Service officials took it upon themselves to begin the testing of the Brentwood facility. The task order is Attachment B.

3. The decision to quarantine portions of the Brentwood USPS facility.

Portions of the Brentwood facility were not quarantined; however, areas were shut down during the sampling process. The CDC advised not to close the facility because the Daschle letter was tightly sealed and taped. Also, test results from October 18 were negative. The entire building wasn't closed because we were informed by the experts that there was no threat—we took it upon ourselves to do the testing in specific areas. The facility was shut down and evacuated on Sunday, October 21 after learning that two employees were seriously ill from possible anthrax exposure. We learned of the two employee deaths on Monday, October 22. They were not the same employees that were seriously ill on October 20.

475 L'ENFANT PLAZA SW
WASHINGTON DC 20260-

FAX:

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UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA
CLERK

Exhibit 2

- 2 -

4. The decision to test other USPS facilities for anthrax contamination.

Conversation between the Senior Vice President for Human Resources and the Chief Operating Officer resulted in the letter, "Response to Biological Threats" being issued. The letter named the long-term USPS response team to biological threats and the schedule of facilities to be tested nationwide. This coincided with retracing the processing steps of the contaminated letter. Refer to Attachment C.

5. The decision to suspend mail delivery to zip codes 20007, 20005, 20004.

Delivery was suspended on Monday, October 22 to ZIP Codes 20001, 20004 and 20005. We interpret your question to relate to 20001, 20004 and 20005. There was no mail or equipment available as the Brentwood facility was closed on October 21. The city carriers for ZIP Codes 20001, 20004 and 20005 are stationed in the Brentwood facility. Those carriers relocated and were operating by October 24. ZIP Code 20007, the Friendship Station, had its delivery suspended because of a positive test result. Delivery was suspended on Monday, October 29. Our equipment and vehicles were considered contaminated and we had to consolidate these things from around the country; as well as the fact that all employees were being bussed to DC General for testing and administration of preventive antibiotics.

6. The decision to keep the Brentwood USPS facility open.

This was based on CDC advice. Refer to item 3.

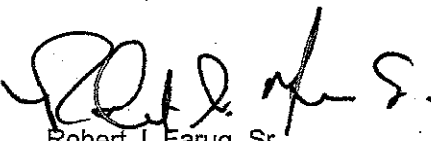
7. The decision to test Brentwood USPS facility employees for anthrax.

Any decision regarding testing of employees were made by CDC and the DC Department of Health after employees came down with inhalation anthrax.

Attachment D contains safety talks, guidance, etc., which were issued prior to the Brentwood closing.

There are no other documents responsive to this request. If you construe this response to be a denial of your request, you may appeal by writing to the General Counsel, U.S. Postal Service, Washington, DC 20260-1100, within 30 days of the date of this letter. The letter of appeal should include statements concerning this response, the reasons why you believe it to be erroneous, and the relief sought. Your appeal must contain copies of the original request letter, this letter, and any other related correspondence.

Sincerely,



Robert J. Faruq, Sr.
Manager, Records Office

Enclosures



Judicial Watch

Because no one is above the law!

February 21, 2002

General Counsel
U.S. Postal Service
Washington, DC 20260-1100

Re: Appeal of FOIA Request

Dear Sir/Madam:

On October 25, 2001, Judicial Watch filed a FOIA request with the US Postal Service, requesting documents regarding the anthrax crisis (see Exhibit 1, attached). Due to the anthrax crisis and following precautions, the original letter was delayed. After a phone conversation regarding the matter, a copy was sent via fax and hand delivery on December 12, 2001, to Mr. Robert J. Faruq, Records Manager.

In a response letter dated January 22, 2002, Mr. Faruq, regarding item one of our request states, "The Postal Service did not identify specific employees, we followed existing procedures upon notification from the CDC and DC Health Department of potentially exposed and infected workers." (see Exhibit 2, attached) That statement is an admission that a written, established process for identification exists.

Judicial Watch appeals the determination of Mr. Faruq and requests all documents on the "existing procedures" for identification of potentially anthrax infected postal employees, including notifications from the CDC and DC Department of Health.

In regard to our request for documents regarding the decision to conduct anthrax tests at the Brentwood USPS facility, Mr. Faruq states in his letter that "The decision to start the sampling was oral and notes do not exist." It is highly likely that records regarding the decision must exist, even if records were created after the decision. Postal officials likely acted on advice from the CDC and DC Health Department, as indicated above.

Judicial Watch appeals the determination of Mr. Faruq and requests all notes and records regarding the decision to conduct tests at the Brentwood USPS facility.

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Exhibit 3

Regarding our request for documents concerning the decision to quarantine portions of the Brentwood USPS facility, Mr. Faruq states, "Portions of the Brentwood facility were not quarantined; however, areas were shut down during the sampling process. The CDC advised not to close the facility because the Daschle letter was tightly sealed and taped. Also, test results from October 18 were negative. The entire building wasn't closed because we were informed by the experts that there was no threat—we took it upon ourselves to do the testing in specific areas." Faruq does not explain the difference between a "quarantine" and areas "being shut down." The reasons for the decision for such a "shut down" are likely documented. In addition, if the USPS was operating on the advice of the CDC not to close the facility, then all correspondence and communication with the CDC regarding that decision is responsive to our request.

Judicial Watch appeals the determination of Mr. Faruq and requests all records regarding the decision to quarantine portions of the Brentwood USPS facility, including correspondence and records of correspondence with the CDC regarding that decision.

Regarding our request for documents concerning the decision to test Brentwood USPS employees for anthrax, Mr. Faruq states "Any decision regarding testing of employees were made by CDC and the DC Department of Health after employees came down with inhalation anthrax." If that is the case, surely the USPS has documentation of that determination, and what tests are being conducted on their own employees due to a work-related hazzard. It is more than likely that the CDC and DC Department of Health would have corresponded with the USPS regarding that decision regarding their employees.

Judicial Watch appeals the determination of Mr. Faruq and requests all records regarding the decision to test Brentwood USPS facility employees for anthrax.

Judicial Watch undertakes a wide range of communication to several publics about the information it obtains under FOIA. In addition to our daily radio show on USA Radio Network, our television show, and frequent interviews with the national and international print and broadcast media, Judicial Watch targets and informs both our own organizational membership and the general public regarding contents of our FOIA-based investigations. Our web page receives anywhere from 20,000 to one million hits per day, combined with our free email update list available at www.judicialwatch.org, makes the information available to anyone.

Judicial Watch has many other means of dissemination:

- A monthly newsletter.
- Offices in Los Angeles, Dallas, and Miami that have developed community out-reach and public information initiatives.
- Regularly published "special reports" that draw directly from FOIA materials.
- Articles, news analysis and commentary pieces by Judicial Watch staff, drawn from

FOIA information, published in newspapers and Internet news sites.

Judicial Watch does not have a commercial interest in the information, as it organizes as a non-profit 501 (c)(3). Judicial Watch is continually credited by the media and others of disseminating information obtained under FOIA that has made news (most notably in the area of national security and privacy rights), as well as informed the public as to the operations and actions of their government (see Exhibit 3, attached).

Judicial Watch requests all documents regarding the "existing procedures" for identification of potentially anthrax infected postal employees, the decision to conduct tests at the Brentwood USPS facility, as well as to quarantine portions of the Brentwood USPS facility, and the decision to test Brentwood USPS facility employees for anthrax.

Sincerely,

JUDICIAL WATCH INC.

A handwritten signature in black ink, appearing to read "Chris J. Farrell", written in a cursive style.

Christopher J. Farrell

CJF/mac

EXHIBIT ONE



Judicial Watch

December 12, 2001

Because no one is above the law!

Mr. Robert Faruq
475 L' Enfant Plaza S.W.
RM 5846
Washington, DC 20260

Re: Phone Discussion of FOIA

Mr. Faruq:

Persuant to our telephone conversation of December 7, 2001, attached you will find our Freedom of Information Act Request we first sent via certified mail, on October 24, 2001.

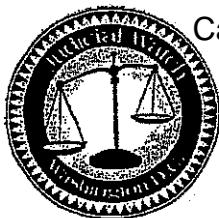
As we discussed on the phone, the events of the anthrax crisis have caused an unfortunate backup/delay in mail reaching your office, as well as our ability to contact your office by phone and fax during the days after the crisis broke.

We appreciate your offer to "speed up the process" for this request due to the delay.

If you have any further questions please do not hesitate to contact me at (202)-646-5172.

Sincerely,

Mario Calabrese
JUDICIAL WATCH, INC.



**Judicial
Watch**
*Because no one
is above the law!*

October 25, 2001

VIA CERTIFIED MAIL AND FAX

Post Master	Chief Postal Inspector	FOIA/PA Officer
900 Brentwood Road	475 L' Enfant Plaza S.W.,	475 L' Enfant Plaza S.W.,
Washington, DC 20090	RM 3100	RM 8800
	Washington, DC 20260-2100	Washington, DC 20260-5243

Re: Freedom of Information Act Request.

Dear Post Master:

Pursuant to the Freedom of Information Act (hereinafter, "FOIA"), 5 U.S.C. 552, and its regulations, we hereby request from the The United States Postal Service, (hereinafter, "USPS") all correspondence, memoranda, documents, reports, records, statements, audits, lists of names, applications, diskettes, letters, expense logs and receipts, calendar or diary logs, facsimile logs, telephone records, call sheets, tape recordings, video recordings, notes, examinations, opinions, folders, files, books, manuals, pamphlets, forms, drawings, charts, photographs, electronic mail, and other documents and things, that refer or relate to the following in any way:

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3. The decision to quarantine portions of the Brentwood USPS facility.
4. The decision to test other USPS facilities for anthrax contamination.

5. The decision to suspend mail delivery to zip codes 20007, 20005, 20004.
6. The decision to keep the Brentwood USPS facility open.
7. The decision to test Brentwood USPS facility employees for anthrax.

Thank you for your expected cooperation in responding to our request in a timely manner, which should be within 10 working days, as required under 5 U.S.C. § 552 (a)(6)(E)(ii)(I), because time is of the essence. The time frame for this request is from September, 11, 2001 to the present.

Pursuant to the FOIA, if any portions of the requested documents are claimed to be privileged, those portions which are not claimed to be privileged should be provided to the undersigned. This should be done prior to the conclusion of the statutory 20-day period for response. In addition, under the FOIA there is an absolute requirement to produce those segregable portions of documents which are not claimed to be privileged, as well as a list ("Vaughn Index") that indicates by date, author, general subject matter, and claims of privilege(s) those documents, or portions thereof, which have been withheld or not provided. Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir 1973), cert. denied, 415 U.S. 977 (1974); Iglesias v. Central Intelligence Agency, 525 F. Supp. 547 (D.C. 1981); see generally LaRocca v. State Farm Mut. Auto. Ins. Co., 47 F.R.D. 278 (W.D. Pa. 1985).

We note that President Clinton instructed agencies in October, 1993, to ensure compliance with both the spirit as well as the letter of the Act. *See* President Clinton's FOIA Memorandum, U.S. Department of Justice, FOIA Update, Summer/Fall 1993, at 3. In addition, Attorney General Ashcroft issued a FOIA Memorandum on October, 12, 1993, which *inter alia* states "the Department of Justice and this Administration are committed to full compliance with the Freedom of Information Act... It is only through a well-informed citizenry that the leaders of our nation remain accountable to the governed and the American people can be assured that neither fraud nor government waste is concealed." and orders "a presumption of disclosure." *See*

Attorney General Ashcroft's FOIA Memorandum, U.S. Department of Justice, FOIA Update, Fall 2000, at p. 1.

Judicial Watch is entitled to a public interest fee waiver for this request. At 5 U.S.C. § 552 (a) (4) (A) (iii), the FOIA sets forth a two prong test to determine whether a fee waiver is appropriate. First, the disclosure must be in the public interest by contributing significantly to the public's understanding of the operations of the government. *Schrecker v. Department of Justice*, 970 F. Supp. 49, 50 (D.D.C. 1997); *Fitzgibbon v. Agency for International Development*, 724 F. Supp. 1048, 1050 (D.D.C. 1989); *Larson v. Central Intelligence Agency*, 843 F.2d 1481, 1483 (D.C. Cir. 1988). Second, the disclosure must not be primarily in the commercial interest of the requester. *Schrecker*, 970 F. Supp. at 50; *Fitzgibbon*, 724 F.2d at 1050; *Larson*, 843 F.2d at 483.

Judicial Watch is a 501 (c) (3) not-for-profit public interest organization. One of its purposes is to provide the public with information which exposes government activities that are contrary to the law. Judicial Watch is, in effect, an educational foundation, as well as a law firm, which uses several mechanisms for the dissemination of the information it acquires, and operates to ensure that this information will be made available to the public on a daily basis:

- Judicial Watch, as a press entity itself¹, produces several press releases each week.

- The *Judicial Watch Newsletter* has a monthly circulation of over 300,000 copies nationwide.

- Judicial Watch maintains a website on which people can view copies of, among other things, FOIA documents, press releases, responsive documents, deposition transcripts and court opinions. This website is viewed by over 20,000 people per

¹ See Memorandum and Order, *Judicial Watch, Inc. v. U.S. Department of Justice*, Civil Action No. 00-1396 (JR), November 16, 2000.

day on average, and on a few occasions, had logged up to 1,000,000 visitors in a single day.

Over 60,000 people subscribe to our "Infonet" listserve for daily updates on our lawsuits, FOIA requests, investigations and public education programs.

Judicial Watch's Chairman has been invited to testify before Congressional committees as an expert witness on legal matters, including, but not limited to the Privacy Act and the Freedom of Information Act.

Judicial Watch's Chairman and other employees frequently appear on nationally broadcast radio and television programs to provide information, analysis and commentary concerning government corruption and other legal issues.

Judicial Watch has been credited by Courts, the Congress and various other media outlets on several occasions for uncovering information and documents concerning government corruption, illegal and/or inappropriate activities, and documented instances of government attempts to "stonewall" requests for information and accountability in the public interest.

Judicial Watch is involved in the production and broadcast of a monthly one hour news and information television program, *Public Disclosure*, fashioned after the long running news broadcast *60 Minutes*. *Public Disclosure* is syndicated across the country.

Judicial Watch produces its own twice-weekly television show and weekly radio program, both entitled *The Judicial Watch Report*, which air nationwide through syndication on cable television and on 36 radio stations, as well as the Internet. Judicial Watch disseminates information it obtains through these mediums as

well.

Judicial Watch hosts and sponsors conferences and rallies as public education forums for the dissemination of the information it acquires. For example, Judicial Watch hosted an Ethics in Government 2000 Conference at the Washington Hilton on October 20-21 2000 and an Ethics in Government 2001 International Conference, "Fighting Corruption, Fostering Freedom," on October 5-6, 2001 in Miami, Florida.

On October 29, 2001 Judicial Watch launches a daily radio program with USA Radio Network, hosted by broadcast veterans Russ Verney and Jane Chastain beginning with 800 stations. The goal is to give the public an update on our day-to-day efforts and goals, and to get information in the hands of the American people.

In short, Judicial Watch's efforts to expose government corruption make news on almost a daily basis, and it functions, in part, as a member of the media.

Indeed, there is an unequivocal public interest served by revealing the aforementioned documents. The American people should be made aware of, among other things, reports, investigations, decisions, waivers and findings of fact concerning the anthrax crisis. This information is not merely intended to satisfy the curiosity of a few. To be sure, the public is always well served when it knows how government activities, particularly matters touching on legal and ethical questions, have been conducted. This request is based, in part, on news articles by Neely Tucker and Avram Goldstein, "Anthrax Threat Takes A Wider Scope, New Cases Emerge: Some Mail Halted," *Washington Post*, October 24, 2001; copies of which are enclosed with this request.²

² Neely Tucker and Avram Goldstein. "Anthrax Threat Takes A Wider Scope, New Cases Emerge: Some Mail Halted," *Washington Post*, October 24, 2001.

Thus, we are convinced that the information requested will be meaningfully informative in increasing public understanding of the anthrax crisis. Hence, we submit this request.

Clearly, information that exposes government activity that is contrary to the rule of law will contribute significantly to the public's understanding of the operations and activities of government. In fact, according to the *Office of Management and Budget, Freedom of Information Reform Act of 1986 – Uniform Freedom of Information Act Fee Schedule Guidelines*, § 67(g), this is one of the categories of activity which courts have characterized as in the public interest.

Congress has spoken clearly on this subject by amending FOIA so that it can “be liberally construed in favor of waivers for noncommercial requesters.” *McClellan Ecological Seepage Situation*, at 1284 (quoting 132 Cong. Rec. S14298 (Sept.30, 1986)). The main purpose of the amendment, according to Senator Leahy, was to prevent gamesmanship on the part of government agencies i.e., to “remove roadblocks and technicalities which have been used by various Federal agencies to deny waivers or reductions of fees under FOIA.” *Id.* (quoting 132 Cong. Rec. S16496, October 15, 1986).

We request expeditious handling and immediate release of the requested information in the public interest.

Information is urgently needed for dissemination so that the public may be informed about actual or alleged Federal Government and USPS activity.

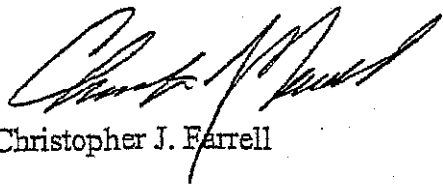
In addition, we find a compelling need for the requested information given that a significant part of our operation involves disseminating information as a legitimate news source. Thus, we assert that the request concerns matters of widespread and exceptional media interests in which there exist possible questions about the government's integrity (to include senior

government officials) which effect public confidence.

Release of the information will promote confidence in our Constitutional Republic, and contribute to furthering the integrity of the American national government by deterring and/or sanctioning corrupt activities. The failure to do so will likely result in the further compromise of important interests of the American people.

Sincerely,

JUDICIAL WATCH, INC.

A handwritten signature in dark ink, appearing to read "Christopher J. Farrell", is written over the printed name.

Christopher J. Farrell

1 of 2 DOCUMENTS

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The Washington Post

October 24, 2001, Wednesday, Final Edition

SECTION: A SECTION; Pg. A01

LENGTH: 1918 words

HEADLINE: Anthrax Threat Takes a Wider Scope; New Cases Emerge; Some Mail Halted; White House Facility Tainted; Postal Worker Infected in N.J.

BYLINE: Neely Tucker and Avram Goldstein, Washington Post Staff Writers

BODY:

The anthrax threat moving through the nation's postal system escalated yesterday as the number of people monitored for infection increased, spores of the bacterium were discovered on mail-sorting equipment that handles packages for the White House and several federal agencies abruptly discontinued mail delivery.

In a day of rapidly unfolding events, government officials again sought to reassure the nation that the mail remains safe, even as they confronted more evidence that the postal system has been effectively used to spread anthrax.

A postal worker in New Jersey was diagnosed with pulmonary anthrax, just one day after two D.C. postal workers died of anthrax and two others were diagnosed as being infected, offering a fatal trail of evidence that a stamped envelope may have been used as a lethal weapon.

"Some 200 billion pieces of mail are sent every year, and until last month, not a single time had anthrax ever been mailed," said Ari Fleischer, the White House press secretary. "So what's happened now is, frankly, just as you're seeing in the military a mobilization in Afghanistan, you're also seeing a nation at home mobilize."

In Washington, now host to the most serious outbreak, the main postal facility is shuttered and considered a crime scene, all of the city's 36 neighborhood post offices are being tested for anthrax spores, incoming and outgoing mail at the Brentwood Road processing facility has been quarantined, and delivery has been disrupted in several Zip codes. City officials also moved to prepare a system to deliver antibiotics to wide swaths of the population if contamination is found to be widespread.

Taken together, the steps indicate health officials are considering that the perimeter of the anthrax threat may be far wider than previously believed. The focal point remains Brentwood, which processes all incoming and outgoing mail for the nation's capital, averaging a million pieces a day.

The Postal Service last week hired a company to test the area that handles government mail and processed the one letter known to be contaminated. Results show that 14 of 29 spots have tested positive for anthrax spores. Federal health officials are now testing the entire facility, including the ventilation system.

Three people have died of anthrax in the weeks since the Sept. 11 terrorist attacks on New York and the Pentagon, and more than 50 have tested positive in nasal swab tests.

The State Department issued a worldwide caution to Americans abroad yesterday, adding a warning that it cannot exclude the risk of anthrax attacks. "Reports of and confirmed cases of exposure to anthrax have caused an increase in anxiety over possible attacks using chemical and biological agents," the warning read.

Domestically, medical tests yesterday confirmed that inhalation anthrax caused the deaths of two Brentwood postal workers, and a New Jersey postal worker was confirmed as having contracted the same illness. Their two facilities are known to have handled contaminated letters, including one addressed to NBC's Tom Brokaw in New York and another to Senate Majority Leader Thomas A. Daschle (D-S.D.).

D.C. Chief Medical Examiner Jonathan L. Arden concluded yesterday that postal worker Thomas L. Morris Jr., 55, died after the infection spread through his lungs, the chest cavity surrounding his heart and his lymph nodes.

Two other Brentwood workers with anthrax infections are hospitalized in serious but stable condition at Inova Fairfax Hospital. Susan Matcha, an infectious disease specialist and the attending physician for both men, said an aggressive treatment of three antibiotics has kept them stable and breathing without help from ventilators.

Both men have complained of shortness of breath since they were admitted to the hospital, but Matcha said they are able to talk. The conventional medical wisdom had been that inhalational anthrax is almost always fatal, but she said doctors hope to change that.

"It's impossible to make a prognosis because there's so little medical literature to guide us," Matcha said yesterday. "But we are guardedly optimistic."

D.C. Health Department Director Ivan C.A. Walks said at midday that 16 other Brentwood workers scattered across the Washington-Baltimore area are being observed by physicians because they have syndromes that could be precursors to inhalational anthrax. Four of the cases are considered "suspicious," and the patients have been hospitalized, he said. The 12 other cases, including some workers who have not been admitted to a hospital, have been labeled "very low suspicion."

Since anthrax was named as the cause of death for a photo editor at the Sun tabloid in Boca Raton, Fla., anthrax spores have been discovered in the New York offices of NBC, CBS, ABC, the New York Post and the New Jersey mail facility that handled letters sent to those media outlets.

On Capitol Hill, anthrax spores have been found in the Hart building, the mailroom of the Dirksen Senate building, the mailroom at the Ford building, and at an off-site mail-screening center run by the U.S. Capitol Police. Spores also have been detected at the Brentwood processing facility.

An environmental sweep of the Capitol building completed yesterday showed no traces of anthrax, said Lt. Dan Nichols, spokesman for the Capitol Police.

But of all the infected sites, it is Brentwood that is by far the most troubling to investigators.

Rima Khabbaz, deputy director of the viral disease branch of the federal Centers for Disease Control and Prevention, said scientists were confounded by

the shifting understanding of how anthrax works. Before the Brentwood cases of inhalation anthrax, CDC scientists believed none of the other cases suggested that infection was a risk to mail handlers. Earlier evaluations, such as at the P and Half streets SE mail-screening center for the Capitol, were "completely reassuring," Khabbaz said. "The process to define risk is based on environmental sampling."

"The Brentwood situation," she said, "has led us to reevaluate the science."

Greg Poland, a professor of medicine and infectious diseases at the Mayo Clinic in Rochester, Minn., said that although "no envelope is airtight" and any powder inside could be squeezed out in processing, the probability of a significant number of anthrax spores escaping is low.

But given that enough spores were present at Brentwood to infect four workers with the most serious kind of the disease, Poland said spores could conceivably also have passed from terrorist-sent mail to other mail moving through the facility, winding up in the homes and businesses of Washington. "The question is: Is it enough to cause a problem? Who knows?" Poland said.

So far, he said, no anthrax cases have been caused by what he called "collateral mail."

"We have to go with the observed risk, and the observed risk among the end recipients is so far zero," Poland said.

How the two workers who died came down with the disease remains unknown. CDC officials said that they were unsure whether the letter to Daschle caused the contamination at Brentwood or whether spores were released from other letters.

Deborah Yackley, a postal spokeswoman, said Morris worked in an area at Brentwood that handles only government mail. She could not say where in the facility the other deceased worker, Joseph P. Curseen, 47, was assigned.

One of the other infected Brentwood employees, Leroy Richmond of Stafford, works in an express mail sorting area, according to co-workers. He sorts mail on a conveyor belt and places it in bags depending on the address.

Every day, he and several other postal workers travel to an air mail center near Baltimore-Washington International Airport where they sort express mail headed for Washington.

Richmond then returns to the Brentwood Road facility and sorts express mail arriving from other locations, including Reagan National Airport and Dulles International Airport, co-workers said.

The express mail area is enclosed, and other workers in that area report that neither they nor their colleagues have symptoms of anthrax -- leading them to wonder whether Richmond was exposed in a different part of the facility. Workers say they often are pulled out of the express mail area and assigned to other parts of the post office.

The uncertainty over how the disease is spreading is being reflected in the region's emergency rooms, doctors said yesterday.

After one postal worker went to a hospital over the weekend and was turned away because the staff thought he had the flu, doctors have switched to a very broad definition to decide who should be treated, they said yesterday.

Anyone with flu-like symptoms -- an elevated white blood count, coughs, body aches, respiratory problems -- would be given antibiotics if they work in a high-risk profession or had "credible" exposure to anthrax bacteria. That

includes people who work at postal facilities, general mailrooms, media organizations, government offices or Internet companies.

Fears that more poisoned letters may be proliferating was evidenced on several fronts yesterday.

At the White House, Fleischer said a concentration of anthrax spores was detected yesterday afternoon on a piece of mail equipment called a "slitter" at a Secret Service-controlled facility on property shared by the Anacostia Naval Station and Bolling Air Force Base, miles from the Oval Office. Fleischer said no tainted letter has been found at the facility, which processes 40,000 letters a week.

Meanwhile, a sign of the times could be found at the Petworth Post Office at Ninth Street NW, handwritten in black marker on a white piece of paper: "Closed to be tested."

As the day progressed, postal officials chartered buses to continue taking more than 2,000 postal employees to D.C. General Hospital for doses of antibiotics. The treated including D.C. Mayor Anthony A. Williams (D) and his mother, who had visited the sorting rooms of the Brookland and Congress Heights post offices Friday.

Several workers said they were particularly incensed that Daschle's office, and all of Capitol Hill, was shut down after anthrax spores were detected in his office. The facilities that processed the letter, in New Jersey and the District, were kept open.

"Treatment should have started first for those who were handling the mail," said James Coe, a distribution clerk from the post office at 2121 Ward Pl. NW. "Where are the deaths? People handling the mail. Nobody's died in Congress yet."

Among the Brentwood employees in area hospitals with suspicious symptoms is Charles Bragg, 36, of Indian Head, a maintenance worker who cleans various parts of the building. Initial tests indicate that he does not have anthrax, but he said doctors are keeping him at Washington Hospital Center as they await blood test results.

"I had all the symptoms -- runny nose, coughing, headache," said Bragg, who went to the emergency room Monday. "They said since I have the flu-like symptoms, they just decided to keep me in here and put me on antibiotics. . . . Until they give me the final word [about test results], yes, I'm worried."

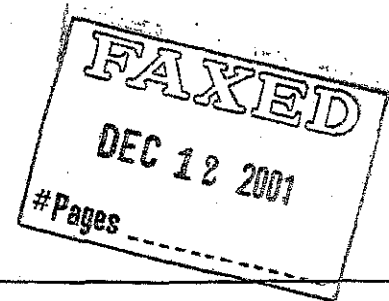
Staff writers Mike Allen, Justin Blum, Helen Dewar, Manny Fernandez, Carol D. Leonnig, Sylvia Moreno, Matthew Mosk, Michael E. Ruane, Leef Smith, Steve Twomey and Debbi Wilgoren and Metro staff researcher Bobbye Pratt contributed to this report.

LOAD-DATE: October 24, 2001

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	4404
CONNECTION TEL	9*4818*2685211
SUBADDRESS	
CONNECTION ID	STAMP SERVICES
ST. TIME	12/12 15:27
USAGE T	05'00
PGS. SENT	12
RESULT	OK



Judicial Watch

December 12, 2001

Because no one is above the law!

VIA FACSIMILE

Mr. Robert Faruq
475 L' Enfant Plaza S.W.
RM 5846
Washington, DC 20260

Re: Phone Discussion of FOIA

Mr. Faruq:

Persuant to our telephone conversation of December 7, 2001, attached you will find our Freedom of Information Act Request we first sent via certified mail, on October 24, 2001.

As we discussed on the phone, the events of the anthrax crisis have caused an unfortunate backup/delay in mail reaching your office, as well as our ability to contact your office by phone and fax during the days after the crisis broke.

We appreciate your offer to "speed up the process" for this request due to the delay.

If you have any further questions please do not hesitate to contact me at (202)-646-5172.

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	4495
CONNECTION TEL	9*818*2685353
SUBADDRESS	
CONNECTION ID	
ST. TIME	12/17 13:29
USAGE T	03'54
PGS. SENT	12
RESULT	OK



Judicial Watch

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December 12, 2001

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U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)
Post Master
Street, Apt. No., or PO Box No.
400 Brentwood Road
City, State, ZIP+4
Washington, DC 20090
PS Form 3800, February 2000 See Reverse for Instructions

Document 11-1

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)
Chief Postal Inspector
Street, Apt. No., or PO Box No.
475 L'Enfant Plaza S.W. RM 3100
City, State, ZIP+4
Washington, DC 20260-2108
PS Form 3800, February 2000 See Reverse for Instructions

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)
FOIA Privacy Act Officer
Street, Apt. No., or PO Box No.
475 L'Enfant Plaza S.W. Room 8300
City, State, ZIP+4
Washington, DC 20260-5243
PS Form 3800, February 2000 See Reverse for Instructions

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- ☐ Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:

Chief Postal Inspector
475 L'Enfant Plaza S.W.
Room 3100
Washington, DC 20260-2108

4a. Article Number

1000 0600 0025 5382 0084

4b. Service Type

- ☒ Registered
- ☐ Express Mail
- ☐ Return Receipt for Merchandise
- ☒ Certified
- ☐ Insured
- ☐ COD

7. Date of Delivery

Office of the Chief Inspector

5. Received By: (Print Name)

Received By: (Print Name)

6. Signature (Addressee or Agent)

Signature (Addressee or Agent)

8. Addressee's Address (On reverse if space is paid)

Addressee's Address (On reverse if space is paid)

PS Form 3811, December 1994

102595-99-0-0223 Domestic Return Receipt

EXHIBIT TWO



January 22, 2002

Mr. Mario Calabrese
Judicial Watch, Inc.
501 School Street, SW, Suite 725
Washington, DC 20024

Dear Mr. Calabrese:

This responds to your Freedom of Information Act request faxed to us on December 12, 2001, for information dealing with the anthrax crisis. We did not receive your original letter of October 25, 2001 prior to your December 12th fax since all mail to ZIP Code 20260 is being sanitized before delivery. There were long delays initially until the irradiation processes could be put into place. You have asked for supporting documentation for items 1 – 7. We will attempt to identify and briefly explain the documents responsive to each:

1. The process for identification of postal workers infected and/or exposed to anthrax.

The Postal Service did not identify specific employees, we followed existing procedures upon notification from the CDC and DC Health Department of potentially exposed and infected workers. Attachment A is a notification to field offices that includes a Mandatory Safety Talk on Anthrax, Anthrax Talking Points, and the existing Management Instruction on Emergency Response to Mail Allegedly Containing Anthrax, which was issued in October 1999.

2. The decision to conduct tests at the Brentwood USPS facility.

The decision to start the sampling was oral and notes do not exist. The contractor was instructed to do the testing by Safety Performance Management using the existing Environmental Management Program contract. Postal Service officials took it upon themselves to begin the testing of the Brentwood facility. The task order is Attachment B.

3. The decision to quarantine portions of the Brentwood USPS facility.

Portions of the Brentwood facility were not quarantined; however, areas were shut down during the sampling process. The CDC advised not to close the facility because the Daschle letter was tightly sealed and taped. Also, test results from October 18 were negative. The entire building wasn't closed because we were informed by the experts that there was no threat—we took it upon ourselves to do the testing in specific areas. The facility was shut down and evacuated on Sunday, October 21 after learning that two employees were seriously ill from possible anthrax exposure. We learned of the two employee deaths on Monday, October 22. They were not the same employees that were seriously ill on October 20.

475 L'ENFANT PLAZA SW
WASHINGTON DC 20260-

FAX:

- 2 -

4. The decision to test other USPS facilities for anthrax contamination.

Conversation between the Senior Vice President for Human Resources and the Chief Operating Officer resulted in the letter, "Response to Biological Threats" being issued. The letter named the long-term USPS response team to biological threats and the schedule of facilities to be tested nationwide. This coincided with retracing the processing steps of the contaminated letter. Refer to Attachment C.

5. The decision to suspend mail delivery to zip codes 20007, 20005, 20004.

Delivery was suspended on Monday, October 22 to ZIP Codes 20001, 20004 and 20005. We interpret your question to relate to 20001, 20004 and 20005. There was no mail or equipment available as the Brentwood facility was closed on October 21. The city carriers for ZIP Codes 20001, 20004 and 20005 are stationed in the Brentwood facility. Those carriers relocated and were operating by October 24. ZIP Code 20007, the Friendship Station, had its delivery suspended because of a positive test result. Delivery was suspended on Monday, October 29. Our equipment and vehicles were considered contaminated and we had to consolidate these things from around the country; as well as the fact that all employees were being bussed to DC General for testing and administration of preventive antibiotics.

6. The decision to keep the Brentwood USPS facility open.

This was based on CDC advice. Refer to item 3.

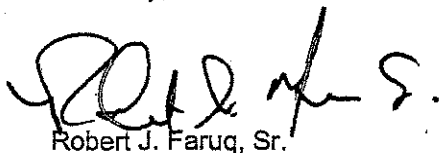
7. The decision to test Brentwood USPS facility employees for anthrax.

Any decision regarding testing of employees were made by CDC and the DC Department of Health after employees came down with inhalation anthrax.

Attachment D contains safety talks, guidance, etc., which were issued prior to the Brentwood closing.

There are no other documents responsive to this request. If you construe this response to be a denial of your request, you may appeal by writing to the General Counsel, U.S. Postal Service, Washington, DC 20260-1100, within 30 days of the date of this letter. The letter of appeal should include statements concerning this response, the reasons why you believe it to be erroneous, and the relief sought. Your appeal must contain copies of the original request letter, this letter, and any other related correspondence.

Sincerely,



Robert J. Faruq, Sr.
Manager, Records Office

Enclosures

EXHIBIT THREE



**Judicial
Watch**

IN THE MEDIA

*Scripts Howard News
Service*

August 14, 1997

Commerce Department admits it withheld information illegally

By Lance Gay

In a major concession, the Justice Department admitted yesterday that the Commerce Department withheld information about the political activities of Clinton administration appointees, including Democratic fund-raiser John Huang.

In a motion filed with the U.S. District Judge Royce C. Lamberth, Assistant U.S. Attorney Bruce Hegyi said the government no longer wants to contest a costly 3-year-old Freedom of Information suit brought by the private legal group Judicial Watch. The plea asks the judge to find against the government and in favor of the watchdog organization.

"The Department of Commerce moves hereby for the Court to enter judgment against it in this case," Mr. Hegyi said.

But Larry Klayman, director of Judicial Watch, said he does not want to accept any government concession.

He said he already has exposed how the administration defied repeated court orders to hand over documents, and that he believes he can find more if the case continues.

"Our discovery has shown the Clinton administration has obstructed this suit by shredding, hiding and withholding documents," he said. He said a Justice Department offer, included in the motion, to pay Judicial Watch's legal fees was an attempt "to bribe Judicial Watch to no longer seek the truth." Mr. Klayman said the group's legal fees amount to "several millions of dollars." Mr. Klayman was the first to discover Mr. Huang's involvement in political activities during the period he worked in Commerce's trade office in 1994 and 1995, and disclosed other political activities as well. Mr. Huang has since become a major figure in the campaign financing scandal.

Read legal documents related to Judicial Watch litigation on this subject by [clicking here](#).



**Judicial
Watch**

The Washington Times
January 19, 2000

The Washington Times

Wednesday, January 19, 2000, Page A7

PANAMA CANAL REPORT OBTAINED BY JUDICIAL WATCH DRAWS FIRE FROM SENATOR WARNER

**Senator
irked by
secrecy
on canal**

**Warner says panel
never got report**

By Bill Gertz
THE WASHINGTON TIMES

The chairman of the Senate Armed Services Committee is asking the Pentagon to explain why information contained in an intelligence assessment about Chinese activities in Panama was not provided to his panel.

"I am concerned that this Pentagon report was not mentioned during our hearing or subsequently shared with the committee," Sen. John W. Warner said in a letter sent Friday to Defense Secretary William S. Cohen.

Mr. Warner, Virginia Republican chairman, said he would like to know why the report by the U.S. Southern Command's Joint Intelligence Center reportedly contradicts claims by the Clinton administration that the presence of a Chinese company near the canal is not a threat to U.S. security interests.

The senator stated that he sent the letter after the intelligence report was mentioned in *The Washington Times* on Jan. 12.

Mr. Warner also said he has ordered the committee's staff to obtain the complete, classified version of the report from the Pentagon.

"I ask that you review this report and the testimony given by administration officials at the Oct. 22, 1999, Senate Armed Services Committee hearing on Panama Canal security and give me your thoughts about the allegations contained in *The Washington Times* article," he stated.

The Oct. 26 "Intelligence Assessment" of China's interests and activities in Panama was censored and was classified at the "secret" level. It stated that any "potential threat" to the canal from China was "indirect."

During the Senate Armed Services Committee hearing, held four days before the intelligence report was produced, several administration officials testified that Chinese control of the two Panamanian ports was not a problem and said they were unaware that

Beijing uses Chinese commercial entities for military purposes.

Marine Corps Gen. Charles E. Wilhelm, commander in chief of the U.S. Southern Command, testified during the hearing he believes China does use businesses for military purposes. He said there was "no evidence" the canal was targeted by terrorists or foreign governments although it is a potential target.

The hearing was called after questions about the issue were raised by Senate Majority Leader Trent Lott.

Mr. Lott stated in a letter to Mr. Cohen last summer that he was worried about Chinese inroads in Panama. The Mississippi Republican said the Clinton administration was "allowing a scenario to develop where U.S. national security interests could not be protected without confronting the Chinese communists in the Americas."

Pentagon spokesman Kenneth Bacon said in August, in response to Mr. Lott's concerns, that "we do not see the Chinese-owned port facilities as a military or a national-security threat."

Mr. Bacon said yesterday Mr. Cohen had not seen the letter from Mr. Warner. "I think we'll wait to see it" before commenting, he said.

A subsidiary corporation, Hu Ltd., has purchased on two port facilities of the canal, which Panamanian government Dec. 31.

The Panama Canal tugboat, still services to ship Balboa, on the Atlantic, on the Atlantic.

The report is unlikely the Chinese officials or employees sabotage or disorder from Beijing interests and will elicit an immediate response from the U.S. and the community.

But the intelligence stated that Hong Kong tycoon "has extensive business and has co-reasons to maintain relationship with China."

The Chinese economic intrusion signed to countenance in the region.